

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Emergency Broadband Benefit Program	)	WC Docket No. 20-445
	)	

**RADIATE HOLDINGS, L.P., *ET AL.* SUPPLEMENT TO  
PETITION FOR WAIVER AND REQUEST FOR EXPEDITED TREATMENT**

Radiate Holdings, L.P., and certain of its wholly-owned operating subsidiaries (collectively, “Radiate”),<sup>1</sup> by their attorney, hereby supplement their May 25, 2021, Petition for Waiver and Request for Expedited Treatment seeking a limited waiver of the Emergency Broadband Benefit (“EBB”) Program reimbursement rules (“Petition for Waiver”). Radiate requests that the Commission grant the Radiate Companies a waiver of the requirement that providers claim EBB Program reimbursement within fifteen (15) days of the snapshot date for newly-enrolled customers and allow Radiate an additional thirty (30) days to submit reimbursement claims for such customers after they first appear on a snapshot. To assist the Commission in forecasting utilization of EBB Program funding, if the Petition for Waiver is granted, Radiate will provide the Commission, on the 15th of each month, with a good-faith, non-binding estimate of the total amount it expects to seek in reimbursement based on the snapshot taken on the 1st of the month, breaking it down separately for reimbursement claims that will have been submitted by the 15<sup>th</sup> and those that will be submitted, as permitted by the

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<sup>1</sup> The Radiate subsidiaries in question are RCN Telecommunications Services, LLC; RCN Telecom Services (Lehigh) LLC; RCN Telecom Services of Philadelphia, LLC; RCN Telecom Services of New York, LP; RCN Telecom Services of Massachusetts, LLC; RCN Telecom Services of Illinois, LLC; Starpower Communications, LLC; Grande Communications Networks, LLC; Astound Broadband LLC; and ETS Telephone Company, Inc. (collectively, the “Radiate Companies”).

waiver that Radiate seeks, within thirty (30) days following the 15<sup>th</sup> of the month (the “Good Faith Estimate”).

Radiate also supplements its Petition for Waiver to clarify the scope of the waiver that it requests. Specifically, Radiate clarifies that the waiver of the EBB Program rules it seeks goes beyond an additional thirty (30) days in which to file first reimbursement claims for customers. Under the Commission’s rules adopted in the *EBB Program Order*, Reimbursement claims can only be filed once customers have been uploaded successfully into the National Lifeline Accountability Database (“NLAD”) and will be based on a snapshot of customers uploaded into the NLAD on the first of each month.<sup>2</sup> Radiate explained in its Petition for Waiver that it has encountered difficulties in a significant number of cases uploading newly-enrolled customers of the Radiate Companies into the NLAD after they begin receiving discounted EBB-qualifying service.<sup>3</sup> As a result, some customers which have begun receiving service in the current month (*e.g.*, May 2021) may not be successfully loaded into the NLAD by the end of the month, and thus will not appear on the snapshot of customers (*e.g.*, on June 1, 2021) qualifying for a reimbursement for service provided in the current month.<sup>4</sup> This means that, for such customer accounts, contrary to the intent of Congress and the Commission in setting up the EBB Program, Radiate will have provided discounted service to such qualified customers but will be unable to

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<sup>2</sup> See Emergency Broadband Benefit Program, Report and Order, FCC 21-29, WC Docket No. 20-445, ¶ 90 (rel. Feb. 26, 2021)(“disbursement of EBB Program claims will be based on the number of Program subscribers enrolled with a provider in the NLAD as of the first of each month”).

<sup>3</sup> See Petition for Waiver at 6 (“Radiate staff have encountered issues and delays with uploading into the NLAD EBB Plan customers whose service has commenced in approximately twenty-three percent (23%) of the cases.”)

<sup>4</sup> Radiate anticipates that the types of difficulties encountered are likely to be encountered with customers enrolled in June and subsequent months, and so its waiver request, as clarified, is not limited to customers enrolled only in May.

receive a reimbursement for the current month for having done so, even with a 30-day waiver of the of the date to file reimbursement claims for newly-enrolled EBB program customers.

Therefore, for the avoidance of doubt, Radiate clarifies that it requests a waiver that would allow it to claim reimbursement for the month in which newly-enrolled customers first receive EBB Program-qualified broadband service from Radiate provided (1) that the customers were receiving qualified service on the snapshot date (the 1<sup>st</sup> of the month after the month in which they were enrolled), (2) that the customers have been successfully enrolled into the NLAD by the date reimbursement is claimed (which may occur after the end of the month when they first receive EBB Program-qualified service from Radiate), and (3) that the request for reimbursement is made within thirty (30) days after the 15<sup>th</sup> of the month following the month when they were enrolled and began to receive qualified broadband service from Radiate, *i.e.*, within the reimbursement claim deadline requested in the Petition for Waiver for newly-enrolled customers. This clarified waiver request is justified for the same reasons set forth in the Petition for Waiver.<sup>5</sup>

In connection with this clarified, and second, aspect of the requested waiver, Radiate will include with its monthly Good Faith Estimate, in addition to the estimates identified above, the number of newly-enrolled customers that were receiving qualified service on the snapshot date (the 1<sup>st</sup>) of that same month but were not yet successfully uploaded into NLAD, accompanied by a certification regarding that customer count. Radiate will also include with the Good Faith Estimate a separate non-binding estimate of how much reimbursement will be claimed for such customers – those that were receiving EBB Program-qualified service on, but had not been

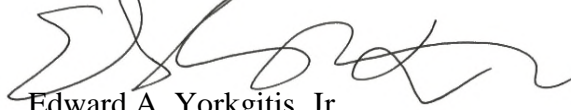
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<sup>5</sup> See *discussion in* Petition for Waiver, at 6-8 (discussing why grant of the Petition for Waiver will address hardships being faced by Radiate to process and submit claims for newly-enrolled customers, will not undermine the purpose of the EBB Program rules from which it seeks relief, and will further the public interest).

successfully uploaded into the NLAD by, the snapshot date – associated with their first month of service.

Respectfully submitted,

**RADIATE HOLDINGS L.P.**

A handwritten signature in black ink, appearing to read 'E. Yorkgitis, Jr.', written over the printed name.

Edward A. Yorkgitis, Jr.

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